

THE STATE OF OHIO, HAMILTON COUNTY

COURT OF COMMON PLEAS

CRIMINAL DIVISION

COPY FILED
COMMON PLEAS COURT
HAMILTON COUNTY
CRIMINAL DIVISION
AUG 28 1997

JAMES CISSELL
CLERK OF COURTS

STATE OF OHIO

: NO. B9700308

Plaintiff

: (Judge Niehaus)

vs.

: AFFIDAVIT OF ANNE M.
FLUHARTY

RICHARD JOSEPH KLEIN

:

Defendant

:

Now comes Anne M. Fluharty, attorney at law, and being first duly cautioned and sworn, states the following:

1. I was appointed to represent Sharon Richmond on a charge of child endangering involving her son Matthew Richmond.

2. Sharon Richmond entered a guilty as charged plea to the one count for which she was indicted, and agreed to testify in the trial of State of Ohio vs. Richard Joseph Klein.

3. At the plea hearing, neither the State of Ohio nor Judge Niehaus made any promise or indication as to what sentence Sharon Richmond would receive. The State of Ohio did indicate they would take no position as to what sentence was appropriate and leave the matter of sentencing up to Judge Niehaus.

4. I was present for a pretrial interview of Sharon Richmond by assistant Hamilton County prosecutor Mark Piepmeyer. At that meeting Mr. Piepmeyer instructed Sharon Richmond to answer all questions honestly. He also reviewed her plea and told her that even though the State would leave the issue of sentencing up to Judge Niehaus, that she should not take that as an indication that she would receive a light sentence. To the contrary, Mr. Piepmeyer told Sharon

Richmond that due to the seriousness of the charge, he expected Judge Niehaus to send her to prison.

5. I was present at trial for the testimony of Sharon Richmond. During the testimony of Sharon Richmond, all of the terms of her plea agreement, including the fact that the State was to take no position at her sentencing, was brought out in front of the jury.

6. There was no other discussion about sentencing or the terms of the guilty plea of Sharon Richmond.

Further affiant sayeth naught.

Anne M. Fluharty
Anne M. Fluharty

Sworn to and subscribed in my presence this 27th day of August, 1997.

Thomas P. Longmire
Notary public

THOMAS P. LONGMIRE Attorney at Law
NOTARY PUBLIC - STATE OF WASHINGTON
My Commission has no expiration
date. Section 147.03 R.C.O.